

memorandum

DATE: MAR 10 1993

REPLY TO:
ATTN OF: ERD:BKT:02991

SUBJECT: NEPA/CERCLA Integration at Operable Unit No. 2

TO: Richard J. Schassburger, Acting Director, Environmental Restoration Division
Mark Van Der Puy, Acting Director, Environmental Protection Division

This purpose of this memorandum is to document my activities regarding NEPA/CERCLA integration required by DOE Order 5400.4, CERCLA requirements, at OU 2. On November 16, 1992, I drafted a memorandum (ERD:BKT:13163) from RFO to EG&G requesting that they prepare an environmental checklist and action description memorandum for the FS/CMS at OU 2. A copy of the memorandum is attached.

However, it has recently come to my attention that ERD:BKT:13163 was cancelled. A copy of the ERD correspondence log is attached indicating the cancellation of this memorandum. It is noteworthy that 1) no one at ERD approached me to discuss potential problems with this memorandum allowing me the opportunity to make modifications and 2) no one at ERD informed me that the memorandum had been cancelled.

The result of this cancellation was the loss of almost four months of time that could have been available for NEPA/CERCLA integration at OU 2. For your information, this OU is likely to be the most critical site for NEPA/CERCLA integration at the RFP due to the potential of soil removal over a very large area extending from the 903 Pad to the east towards Indiana Street. In addition, soil removal will likely be required north, south and west of the Pad as well. This has serious implications for NEPA and CERCLA/RCRA.

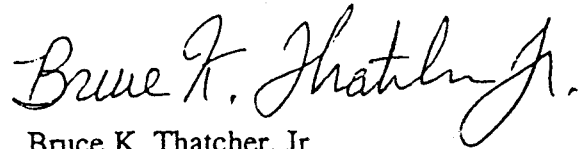
It is possible that an EIS may be required for the FS/CMS at OU 2 rather than an EA. If this is the case, NEPA/CERCLA integration needs to be initiated immediately since the time requirements of an EIS are substantial relative to an EA. In any case, if it is determined that an EA is the appropriate level of NEPA documentation, the EA should be initiated at the earliest possible date so that a FONSI determination can be made.

With regard to CERCLA/RCRA, there is great potential for natural resource injury at OU 2 due to remedial action. A possibility exists that DOE could be exempted from natural resource damage claims if we prove: 1) a specific identification of an irreversible and irretrievable commitment of natural resources, 2) in an EIS, 3) the authorization of the commitment in a permit, and 4) compliance with the permit.

MAR 10 1993

R. Schassburger & M. Van Der Puy 2
ERD:BKT:02991

I have resurrected ERD:BKT:13163 as ERD:BKT:02990 in the hope that the process can be reinitiated. However, I want the record to show that I have taken a proactive stance on the issue of NEPA/CERCLA integration at the RFP.



Bruce K. Thatcher, Jr.
Physical Scientist
Environmental Restoration Division

Attachments

cc w/Attachments:
P. Powell, EPD, RFO
S. Grace, ERD, RFO

United States Government

Department of Energy

Rocky Flats Office

memorandum

DATE:

REPLY TO

ATTN OF:

ERD:BKT/PMP:13163

SUBJECT:

Request for Environmental Checklist and Action .
FS/CMS at OU-2

1 for the

TO:

Tim G. Hedahl, Associate General Manager
Environmental and Waste Management
EG&G Rocky Flats, Inc.Robert L. Benedetti, Acting Associate General Manager
Environmental Restoration Management
EG&G Rocky Flats, Inc.

Data gathered to date from the RFI/RI at OU 2 indicates that risk levels in excess of the 1×10^{-4} to 1×10^{-6} NCP risk range exist in both surficial soils and groundwater. Thus, there is no question that an FS/CMS will be necessary. However, there is substantial uncertainty regarding the cleanup levels and remedial technologies that DOE, EPA and CDH will ultimately agree upon. The cleanup levels and possible remedial technologies have the potential to cause a significant environmental impact under NEPA, also resulting in possible injury to geologic (i.e., soil) and biological resources. For example, the ROD/CAD could potentially require the physical removal of plutonium and americium contaminated surficial soils to a concentration representing a 1×10^{-6} risk level resulting in a large impacted area.

We request that EG&G prepare an environmental checklist and action description memorandum for the FS/CMS at OU-2 using the currently available data. These items should be submitted to DOE/RFO by January 15, 1993. The objective is for DOE/HQ to be able to determine the appropriate level of NEPA documentation for the remediation activities.

Any questions regarding this memorandum should be addressed to either Bruce Thatcher at extension 3532 or Tricia Powell at extension 3260 of my staff.

James K. Hartman
Assistant Manager
for Environmental Management

Copy to Reading Room:

Yes

No

(Please initial)

ERD

ERD

ERD

ERD

AMEM

Thatcher/Powell

Powell

Grace

Schassburger

Hartman

11/16/92

11/ /92

11/ /92

11/ /92

11/ /92

6/8

T. Hedahl & R. Benedetti
ERD:BKT/PMP:13163

2

cc:

R. Schassburger, ERD, RFO
B. Thatcher, ERD, RFO
P. Powell, ERD, RFO
S. Grace, ERD, RFO
M. Roy, OCC
J. DeCooman, ERD, RFO
S. Nesta, EG&G
W. Moore, EG&G
M. Arndt, EG&G
E. Dille, EG&G

DATE	No.	ORIG.	SUBJECT	ADDRESSEE(s)	Date-Mailed
11/02/92	12773	Lockhart	Meeting W/HQ on Solar Ponds	Ed Lee	11/04/92
11/02/92	12774	Rose	ER Weekly Report	Greenberg	11/04/92
11/02/92	12775	Rose	ER Weekly Report	Greenberg	11/09/92
11/02/92	12776	Thatcher	Revised Draft Phase I RFI/RI Workplan for OU8	Hesmark/Baughman	11/05/92
11/03/92	12777	Powell	Environmental Assessment of New North Live Fire Range	Setlock	11/04/92
11/03/92	12778	Rose	Request for Evaluation of CDH Grant	Gross	11/10/92
11/03/92	12779	Thatcher	Request for Evaluation of CDH Grant	Benedetti	11/10/92
11/04/92	12780	Thatcher	EPA & CDH Comments on Final Phase I RFI/RI Workplan	Hedahl	11/06/92
11/04/92	12918	Thatcher	Comments on Draft Ecological Monitoring Program	Benedetti	11/17/92
11/04/92	12919	Schassburger	Comments on Draft Ecological Monitoring on FY-92 - 93	Setlock	11/05/92
11/05/92	12920	Birk	EG&G Work Package Documentation	DiCiero	11/12/92
11/05/92	12921	Powell	Ecological Photodocumentation	Borgstrom	11/19/92
11/05/92	12922	Birk	OU-3 Activities Scheduled Under the IAG	Benedetti	11/19/92
11/06/92	12923	Surovchak	Section D Categorical Exclusion (RFO/CX(04-93) Determin	Gerusky	11/19/92
11/09/92	12924	Surovchak	Correspondence Protocol to Regulators	Lee	11/09/92
11/09/92	12925	Thatcher	Solar Evaporation Ponds Remediation Program	ERD Staff	11/12/92
11/09/92	12926	Pepe	Readiness Assessment Findings Data Base	Benedetti	11/12/92
11/10/92	13155	Surovchak	RFP Acquisition Process	EPA/CDH	11/13/92
11/10/92	13156	Surovchak	OU5 Magnetometer Survey	Hesmark/Baughman	11/13/92
11/10/92	13157	Rose	Administrative Record Index	Carlson	11/12/92
11/10/92	13158	Schassburger	Tech Memo/Vadose Zone Characterization	Greenberg	11/12/92
11/12/92	13159	Birk	Tech Memo/Vadose Zone Characterization	Grace & Rose	11/30/92
11/12/92	13160	Pepe	ER Weekly Report	Dowsett	11/30/92
11/12/92	13161	Pepe	Delegation of Authority	Carlson/Trustees	11/18/92
11/12/92	13162	Pepe	Cancelled	Hesmark/Baughman	12/8/92
11/13/92	13163	Thatcher	OU5 Technical Memorandum No. 1 & 2	Hedahl/Benedetti	12/01/92
11/16/92	13164	Powell	OU5 Technical Memorandum No. 1 & 2	Borgstrom	
11/16/92	13364	McCarthy	OU5 Lithologic Logs - Final Document	Benedetti	
11/17/92			1989 Lithologic Logs - Final Document		
			OU2 Risk Levels		
			Subpart D Environmental Assessment Determination		
			Grey Drum Procedure - SOP FO.23		